

## Article - Health - General

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§20–1605.

(a) A covered entity may not solely on the basis of an individual's disability:

(1) Consider a qualified individual ineligible to receive an anatomical gift or organ transplant;

(2) Deny medical and other services related to organ transplantation, including evaluation, surgery, counseling, and posttransplantation treatment and services;

(3) Refuse to refer the individual to a transplant center or a related specialist for the purpose of evaluation or receipt of an organ transplant;

(4) Refuse to place a qualified individual on an organ transplant waiting list; or

(5) Place a qualified individual at a lower-priority position on an organ transplant waiting list than the position at which the qualified individual would have been placed if not for the disability.

(b) (1) Subject to paragraph (2) of this subsection, a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found by a physician, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

(2) If an individual has the necessary support system to assist the individual in complying with posttransplantation medical requirements, a covered entity may not consider the individual's inability to independently comply with the posttransplantation medical requirements to be medically significant for the purposes of paragraph (1) of this subsection.

(c) A covered entity shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to allow an individual with a disability access to services, including transplantation-related counseling, information, coverage, or treatment, unless the covered entity can demonstrate that making the modifications would fundamentally alter the nature of the services.

(d) A covered entity shall take such steps as may be necessary to ensure that an individual with a disability is not denied services, including transplantation–related counseling, information, coverage, or treatment, due to the absence of auxiliary aids and services, unless the covered entity can demonstrate that taking the steps would fundamentally alter the nature of the services being offered or would result in an undue burden.

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